

Fill in this information to identify your case:

United States Bankruptcy Court for the:

SOUTHERN DISTRICT OF NEW YORK

Case number (if known)

Chapter 11

Check if this an  
amended filing

## Official Form 201

# Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	<u>Sutton 58 Owner LLC</u>		
2. All other names debtor used in the last 8 years	Include any assumed names, trade names and <i>doing business as</i> names		
3. Debtor's federal Employer Identification Number (EIN)	<u>47-1095829</u>		
4. Debtor's address	Principal place of business  <u>428-432 East 58th Street</u> <u>New York, NY 10022</u> Number, Street, City, State & ZIP Code	Mailing address, if different from principal place of business  <u>500 West Putnam Avenue</u> <u>Greenwich, CT 06830</u> P.O. Box, Number, Street, City, State & ZIP Code	Location of principal assets, if different from principal place of business  Number, Street, City, State & ZIP Code
5. Debtor's website (URL)			
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify: _____		

Debtor Sutton 58 Owner LLC  
Name

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Case number (if known)

## 7. Describe debtor's business

## A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Railroad (as defined in 11 U.S.C. § 101(44))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- Clearing Bank (as defined in 11 U.S.C. § 781(3))
- None of the above

## B. Check all that apply

- Tax-exempt entity (as described in 26 U.S.C. §501)
- Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

## C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.

See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

## 8. Under which chapter of the Bankruptcy Code is the debtor filing?

## Check one:

- Chapter 7
- Chapter 9
- Chapter 11. Check all that apply:

- Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to *Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- Chapter 12

## 9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

 No. Yes.

If more than 2 cases, attach a separate list.

District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_

District \_\_\_\_\_ When \_\_\_\_\_ Case number \_\_\_\_\_

## 10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

 No Yes.

List all cases. If more than 1, attach a separate list

Debtor BH Sutton Mezz LLC Relationship \_\_\_\_\_ Owner of \_\_\_\_\_District Southern District of New York When 2/26/16 Case number, if known 16-10455

11. Why is the case filed in this district? *Check all that apply:*

Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

## 12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

 No Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

## Why does the property need immediate attention? (Check all that apply.)

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? \_\_\_\_\_

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

 Other \_\_\_\_\_

## Where is the property?

Number, Street, City, State &amp; ZIP Code

## Is the property insured?

 No Yes. Insurance agency \_\_\_\_\_

Contact name \_\_\_\_\_

Phone \_\_\_\_\_

**Statistical and administrative information**

## 13. Debtor's estimation of available funds

*Check one:* Funds will be available for distribution to unsecured creditors. After any administrative expenses are paid, no funds will be available to unsecured creditors.

## 14. Estimated number of creditors

 1-49 1,000-5,000 25,001-50,000 50-99 5001-10,000 50,001-100,000 100-199 10,001-25,000 More than 100,000 200-999

## 15. Estimated Assets

 \$0 - \$50,000 \$1,000,001 - \$10 million \$500,000,001 - \$1 billion \$50,001 - \$100,000 \$10,000,001 - \$50 million \$1,000,000,001 - \$10 billion \$100,001 - \$500,000 \$50,000,001 - \$100 million \$10,000,000,001 - \$50 billion \$500,001 - \$1 million \$100,000,001 - \$500 million More than \$50 billion

## 16. Estimated Liabilities

 \$0 - \$50,000 \$1,000,001 - \$10 million \$500,000,001 - \$1 billion \$50,001 - \$100,000 \$10,000,001 - \$50 million \$1,000,000,001 - \$10 billion \$100,001 - \$500,000 \$50,000,001 - \$100 million \$10,000,000,001 - \$50 billion \$500,001 - \$1 million \$100,000,001 - \$500 million More than \$50 billion

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 6, 2016  
MM / DD / YYYY

**X** /s/ Joseph Beninati

Signature of authorized representative of debtor

**Joseph Beninati**

Printed name

Title Managing Member

**18. Signature of attorney**

**X** /s/ Joseph S. Maniscalco, Esq

Signature of attorney for debtor

Date April 6, 2016

MM / DD / YYYY

Joseph S. Maniscalco, Esq

Printed name

LaMonica Herbst & Maniscalco, LLP

Firm name

3305 Jerusalem Avenue, Suite 201

Wantagh, NY 11793

Number, Street, City, State & ZIP Code

Contact phone 516-826-6500

Email address \_\_\_\_\_

Bar number and State \_\_\_\_\_

Fill in this information to identify the case:

Debtor name **Sutton 58 Owner LLC**United States Bankruptcy Court for the: **SOUTHERN DISTRICT OF NEW YORK**

Case number (if known): \_\_\_\_\_

 Check if this is an amended filing**Official Form 204****Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders**

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Adam Hakim 9 Dawson Court Purchase, NY 10604		Trade Debt				\$250,000.00
Bryan Cave LLP 1290 Ave of the Americas New York, NY 10104		Legal Services				\$202,753.92
Corcoran Sunshine 660 Madison Avenue 12th Fl. New York, NY 10065		Trade debt				\$440,000.00
Cosentini Consulting Engineers PO Box 911669 Denver, CO 80291		Trade debt				\$150,049.65
DeSimone Consulting Engineering Group LLC 18 West 18th St 10th Fl New York, NY 10011		Trade debt				\$84,637.16
Douglas Elliman LLC 712 Fifth Ave 10th Fl New York, NY 10019		Trade debt				\$40,000.00
Eastern Consolidated 355 Lexington Avenue New York, NY 10017		Trade debt				\$335,321.00
Eiseman Levine 805 Third Avenue New York, NY 10022		Legal Services				\$32,500.00

Debtor **Sutton 58 Owner LLC**  
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
FP Architects New York Inc. 300 West 57th Street New York, NY 10019		Trade debt	Disputed			\$968,954.00
Gemini Residential LLC Fisher Brothers 299 Park Ave 42nd Fl. New York, NY 10171						\$12,084,000.00
Herrick, Feinstein LLP 2 Park Ave 21st Fl. New York, NY 10016		Legal Services	Disputed			\$145,455.73
James F. Capalino Assoc. Inc. dba Capalino + Company 233 Broadway Ste 710 New York, NY 10279		Trade debt				\$40,000.00
Jones Lang LaSalle Americas c/o Barry E. Lichtenberg 200 Liberty Street 30th Fl. New York, NY 10281		Trade Debt	Disputed			\$1,892,250.00
Langan Engineering Environmental PO Box 536403 Pittsburgh, PA 15253		Trade debt				\$99,154.50
Pembroke & Ives Luxurious Interiors LLC 330 West 38th St Ste 1001 New York, NY 10018		Trade debt				\$558,966.23
Rick Stafford Interstate 20 W36th St 10 Fl N New York, NY 10018		Trade debt				\$74,500.00
Rowan Williams Davies & Irwin 650 Woodlawn Road West N1K 1B8, Canada Guelph, ON		Trade debt				\$41,600.00

Debtor <b>Sutton 58 Owner LLC</b> Name		Case number ( <i>if known</i> )				
<b>Name of creditor and complete mailing address, including zip code</b> <b>Steven Meister, Esq.</b> <b>Meister Seelig &amp; Fein LLP</b> <b>125 Park Ave 7th Fl.</b> <b>New York, NY 10017</b>		<b>Name, telephone number and email address of creditor contact</b> <b>Trade debt</b>	<b>Nature of claim (for example, trade debts, bank loans, professional services)</b> <b>Indicate if claim is contingent, unliquidated, or disputed</b> <b>Disputed</b>	<b>Amount of claim</b> <small>If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.</small> <b>Total claim, if partially secured</b> <b>Deduction for value of collateral or setoff</b> <b>Unsecured claim</b> <b>\$44,160.75</b>		
<b>Thornton Tomasetti Inc.</b> <b>PO Box 781187</b> <b>Philadelphia, PA 19178-1187</b>		<b>Trade debt</b>				<b>\$42,526.07</b>
<b>Tishman Construction Corp NY</b> <b>100 Park Ave 5th Fl</b> <b>New York, NY 10017</b>		<b>Trade debt</b>				<b>\$80,000.00</b>